

HUDSON, NH BOARD OF SELECTMEN
Minutes of the December 11, 2007 Meeting

1. **CALL TO ORDER** by Chairman Jasper at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** led by Representative Andrew Renzullo.

3. **ATTENDANCE**

Selectmen: Shawn Jasper, Ben Nadeau, Ken Massey, Rick Maddox and Doug Robinson.

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Lisa Nute, Information Technology Director; Jim Michaud, Assessor; Sean Sullivan, Director of Community Development; Dave Yates, Recreation Director; Kathy Carpentier, Finance Director; Atty. Jay Leonard; members of the Hudson Senior Council on Aging; Representative Andy Renzullo; Nomination & Appointments candidates; Police Det. Sgt. Dyac; Police Det. Solari; Tom Tollefon, HLN

4. **PUBLIC INPUT**

Jim Stafford-Rogers, 87 Burns Hill Road – Senior Center Warrant Article. Mr. Rogers said the Council on Aging voted and decided to submit the petitioned warrant article for the addition to the Community Center. Between now and when the vote comes about, they would like to point out the needs for the Seniors in Hudson, displace some of the myths that might be involved since 1987 when the Seniors turned down a home somewhere else. They feel that the Seniors in Hudson deserve those services that the town should be, and will be providing some day. They feel today is the day to start those services on the way. They hope, through newspaper articles, through interviews and by personal contact, to tell those needs. The needs are probably too numerous to bring out here, but one is more than one room. The need is to provide transportation, perhaps, for the Seniors that need to go to a hospital for their care, to provide help for the Veterans, help in taxation, etc. Every day, or every week, the Seniors get a little packet by some fly-by-night outfit that looks like Medicare or Medicaid that's not proper. All they are trying to do is get money off of the Seniors. They'd like to bring in those services that could tell them the direct truth on Medicare, Medicaid, housing, foot care, eye care, etc., and they hope between now and then, they can convince them of the true need. It's not a want, it's a need.

Andy Renzullo, Heritage Circle said he was the former chairman of the Council on Aging. The Selectman took a vote to support the proposal for the Senior Center that, he understands, failed by a two to two vote, with one abstention. He asked the Selectmen to reconsider, at some point. The Seniors have submitted a petition with 138 signatures, and it only took them a day to get them, which mimics the warrant article that was defeated at the Selectmen's meeting. However, that's a fallback position. It's there to go forward, should the Board not reconsider. He respectfully requested that at some date in the near future, they revisit this issue and retake the vote. Any of the Seniors would be willing to meet with any one of the Board to discuss the issue. They'd rather go in with a united front, with the town, rather than be in competition with each other. The Seniors have pledged \$200,000 toward this, to alleviate the cost associated with this project. That pledge still stands and they will act on that pledge, should this warrant article pass. They still would ask for the support of the Board of Selectmen. Even if the vote comes out the same, they would ask the Board to look at the issue again. It's far too important an issue to come and go without a second look.

Chairman Jasper said as a petitioned warrant article, the Board will have to revisit this issue because it needs to make a recommendation to the voters. They will have a discussion on this at a future meeting. Mr. Renzullo said he realized that, but what he'd like to see even more than a positive recommendation, which he would hope to get, is to see the Selectmen be a part of the process, and actually be the body to put it forward. The Seniors are doing it because it's something they need to have done, but they would like the Selectmen to lead.

Mr. Rogers said any member of the Council on Aging that the Board wishes to call in on that petition would be at the Board's disposal.

Attorney Jay Leonard said he was present on behalf of Green Meadow Golf Club, Inc., who owns Green Meadow Golf Club and wanted to comment on the petition to rezone by Mr. Peters, which is presently tabled and coming up again tonight before the Board. He also understands there has been an additional petition that has not yet been confirmed, so his comments will relate to the first petition and directed at the second petition to the extent they are relevant. He fully acknowledges and understands that citizens have a right to petition for rezoning, so his arguments are not against the process. He was asking the Board to be careful in sending things forward that might be very confusing. He was referring to the statute that directs the Board to view the form of the petition and be sure that it is clear and in a form where the voter will understand what is actually being requested. Under the statute and case law that interprets the statute, the requirement is that the petition be in a correct warrant article form, as determined by the Board of Selectmen. That phrase has been interpreted to mean that the petition, itself, must give enough information to the voters regarding the subject matter, so voters will know what they are acting upon. The language of the petition needs to be reasonably clear so that the intent of the article can be ascertained by those who are voting. When the Board took up the matter of the petition from Mr. Peters at their last meeting, there were a number of comments regarding its clarity, and those comments are well taken and should be carefully considered. He has a great concern that when and if the voters were asked to vote on either of these petitions, it is not clear what is being requested. That only makes a vote more difficult to understand. The first petition's language refers to possibly changing the zone and not being clear on what that zone is. On the second petition, it makes a similar comment about possible changes and suggesting one, but not a definite change. The language of the petition is not clear and he asked the Board to carefully consider not passing it to the Planning Board for that reason. He asked, also, that the signature be carefully reviewed. He had a concern that the petition and the signatures are all not part of the same document and the same original document.

5. **NOMINATIONS & APPOINTMENTS**

Selectman Massey said he understood that appointments terminated on December 31 of the calendar year and, as such, he recommended that the Board does not vote to approve any positions tonight because, even if they did, they would

not be effective until January 1. Chairman Jasper said that was the Board's policy, so there would be no reason to waive it. He agreed that the Board should not do that this evening.

A. Building Board of Appeals (3 members--2 terms to expire 12/31/10 and 1 term to expire 12/31/09)

- 1) Jay Gove (incumbent member) was not present.
- 2) Bill McInerney (incumbent member) was not present.
- 3) **Michael Pitre**, 10 Joan Ave., said he would speak to the ZBA application, as well. As the town continues to grow and change, the challenges upon the ZBA will also continue to grow, as land use in town becomes an issue. The building envelope is getting stretched out and with use variances coming across the board, along with conservation issues, wetlands impact, it's important to keep tenure on the Board. They have a pretty strong Board now. When he first started, there was tenure with Mr. Brackett, Mr. Botteron and Mr. Fauvel, who helped pen some of their ordinances, including the ALU, which has been modified by Ms. Davis. Chairman Seabury and Ms. McGrath continue to give support and guidance with their tenure, and he continues to learn more about land use. It's important to keep tenure on that Board. They have a good, strong group and are looking for more alternate volunteers.

In reference to the town in general, Mr. Pitre said they need to pay attention to the petitioned warrant articles, which are some of the reasons why they have some of the building in town. In a couple of years, if they build a strip mall or a big box store between Pete's Gun & Tackle and the Christian Church, it's not because the ZBA or the Planning Board allowed it; it's because a warrant article went through to change the zoning on that and no one paid attention.

Selectman Massey asked if Mr. Pitre was aware that the Building Board of Appeals has never met. Mr. Pitre said he was aware of that, and that's why he spoke to the ZBA application instead. Selectman Maddox said this board has met once in the past 10 years. He asked if the other two members would be present on the 18th. Chairman Jasper said he didn't have that indication. Selectman Maddox said they should make clear there still is the ability to apply until the 18th. Chairman Jasper said that was correct.

B. Cable Committee (3 members--2 terms to expire 12/31/10 and 1 term to expire 12/31/09)

Leo Bernard, 3 Bungalow Ave., (incumbent member), said he's been on the committee since November 1, 2004 and is learning a lot and enjoying it.

Selectman Maddox asked when the meeting nights were. Selectman Robinson said the committee meets the third Tuesday of each month at 7:00 at Town Hall. Selectman Maddox asked how long a meeting usually runs. Mr. Bernard said they are shorter than a Selectmen's meeting. Selectman Maddox asked what the overview was of the Cable Committee. Mr. Bernard said they discuss upgrades to the system, getting new cameras and outreach so people will learn how to use the equipment. They talk to various departments to see if there is anything they'd like to do. The Animal Control Officer did something on wild coyotes. Selectman Nadeau said there is the Jean Serino show. Mr. Bernard said he wasn't going to talk about that.

Selectman Robinson said the committee spends a lot of time on quality programming. The look of HGTV has changed dramatically and the volunteers on the committee spend a considerable amount of time making sure what is produced has quality and teeth to it. The committee actively seeks out folks to come forward to film their own television shows. The committee has offered to teach and train anybody in town who wishes to borrow a camera to produce their own show. They are heavily engaged in the community and are looking for folks to join the committee who has the same passion. They are a bunch of dedicated folks and the town is lucky to have them. Mr. Bernard said the Alvirne Friends of Hockey has inquired about using the cameras because they want to see hockey on TV. He is more than willing to explain how the cameras are used in order to get more sports on TV. Selectman Robinson said this is all free of charge. Mr. Bernard concurred, adding that no one on the Cable Committee can be paid.

C. Conservation Commission (3 members, terms to expire 12/31/10; 2 alternates, terms to expire 12/31/09 & 12/31/10)

- 1) James Battis (incumbent member) was not present.
- 2) J. Helene Wherry was not present.
- 3) Michelle Champion (incumbent member) was not present.

D. Energy Committee (the Green Team) (2 members, 1 term to expire 12/31/08 and 1 term to expire 12/31/09)

- 1) **Glenn Della-Monica** left word he will not be able to be present tonight or on the 18th because he is on vacation.
- 2) J. Helene Wherry was not present.
- 3) **Kevin C. Kuhns** said he read the notice for applicants in the paper and got his application in just in time. He is an engineering manager with Motorola, with about 30 years experience in telecommunications, project management and international consulting. Throughout his career, he has been sold a number of large and medium power systems, both diesel, battery backup, uninterrupted power supply and a few solar systems. He felt this was an opportunity to bring some of his professional expertise to bear on energy conservation for the town and do something for his community. He is very passionate about alternate energy, a pass time of his when he is not working and he'd like to participate.

Selectman Massey asked when the Green Team meets. Chairman Jasper said the 4th Monday of the month. Selectman Massey asked if Mr. Kuhns has attended any of the meetings. He said no, but he has talked to the Chairman. He is a new member of the community, moving to Hudson in August. They have been busy purchasing a new house and getting the kids in school, and he has been busy with his company. When he saw the ad on the town's web site, he jumped on it. Selectman Massey suggested Mr. Kuhn's call the Green Team Chairman, Linda Kipnes.

- E. **Nashua Regional Planning Commission** (1 member, term to expire 12/31/11; 1 alternate, term to expire 12/31/11)

Suellen Quinlan (incumbent member) said everyone knows her. She has been on the Planning Board since 1993 and believes this is her third term on the NRPC. She had wanted to be another liaison from the town on that board. It's important for the town in terms of having an active voice in any planning project that is going forward in the region. They do have one of the largest memberships from all of the towns that make up NRPC, either 12 or 13, and they just added Mason. It's important to be there and to have a voice and input. It seems to be working. Hudson seems to get the lion's share of the money for projects and they appear to also get the lion's share of prioritization for work that's done in the town of Hudson. It's a viable, good thing to be in. She tries to bring information from that commission back to the Planning Board to let them know what's happening so they can look at that with their Planning Board projects and she'd like to be considered. They also have cookies and coffee, and there's nothing wrong with that. Free snacks are a beautiful thing.

- F. **Planning Board** (2 members, terms to expire 12/31/10; 2 alternates, terms to expire 12/31/08 & 12/31/10)

1) **Suellen Quinlan** (incumbent member) said the Planning Board is facing a lot of challenges, so they need to have everyone that has a historical background be able to be in the chairs to make those decisions. She really enjoys working on the Planning Board and would hope to stay on. She enjoys reading the 17" thick packets they get weekly and she enjoys being a part of that process to make the town better. It is probably the most important Board, other than the Board of Selectmen, in terms of making a positive difference for the town. She enjoys the opportunity to do that.

2) **Terry Stewart** (incumbent member) said all of the Board knows her, working on different projects together over the years. She is a long-time resident, adding that she just got her AARP card. She graduated from Alvirne in 1975 and she echoed the sentiments made by Suellen said. There is a lot of hard work coming before that board and she enjoys working with everyone on that board, mapping out and planning the future of Hudson. As years have gone by, she has seen farmland turn into industrial parks or condos. She accepts the growth that is going to happen in Hudson. She looks at everything with an open mind.

3) Bill Cole (incumbent alternate) was not present.

4) **Tierney Chadwick** said she was a four year resident of Hudson and has applied for a position on both the ZBA and Planning Board. Since becoming a resident, she has seen a great deal of change. Many of the things she loves about Hudson, and the reason she chooses to live here and commute to Boston every day, have changed a lot with the growth of the town. Some of it is great, but some of it isn't, so it led her decide to do something about it because she is planning on staying in town for awhile. Serving on either the Planning Board or Zoning Board would be a good start.

Selectman Maddox asked if she has attended either of those board meetings. Ms. Chadwick said yes, the Planning Board. She lives on Breakneck Road in a subdivision built by Pete Noury of Empire Homes and there was a bit of an issue with regard to the subdivision and some of the lots, so she attended a couple Planning Board meetings back when they were still in the building phase of the house in '03. Selectman Maddox said she can't be on both boards, so he asked which she preferred. Ms. Chadwick thought she could be more influential on the Planning Board.

Selectman Massey said recently the Planning Board has altered its operations, based on some input from the town attorney, and everybody is expected to attend the meetings, whether it's a regular member or an alternate, but once the matter is before the Planning Board, then the alternates, essentially, are not going to be participating. He asked if that would present any difficulty to her. Ms. Chadwick said no, it would not pose a problem for her. It's important to be aware of what is going on in town and, hopefully, be able to become a member at a later point. Selectman Massey asked if would be a problem for her to meet on the first, second and fourth Wednesday nights. Ms. Chadwick didn't think so, saying she has the ability, with her job in Boston, to be able to make her own schedule. She is pretty good at being able to zip home when she has to.

- G. **Recreation Committee** (2 members, terms to expire 12/31/10; 1 alternate, term to expire 12/31/10)
Timothy Boland (incumbent alternate) was not present.

- H. **Recycling Committee** (2 terms to expire 12/31/10 and 1 term to expire 12/31/09)

- I. **Sewer Utility Committee** (2 members, terms to expire 12/31/10)

William Abbott, 48 School Street, (incumbent member) said he feels it is important to give back to the community, and he does enjoy serving on this committee. Howard Dilworth, who has been on the committee forever, is too busy to serve any longer. They will have a very hard time filling his shoes. They'd like to see some folks in town, who are on sewer, apply for that position on the committee.

Selectman Massey asked if Mr. Abbott was a sewer user. He said he was. Selectman Massey asked if there was one member on the committee was not on the sewer. Mr. Abbott confirmed that was correct.

- J. **Water Utility Committee** (2 members, terms to expire 12/31/10)
Jeff Rider, 61 Barretts Hill Road, (current member), said he is a former chairman of the committee. He has over eight years of experience working for water and sewer utilities, so he has had experience all the way from design, construction, treatment and financing. If the Board feels he would be an asset to the committee, he'd like to stay on it.

Selectman Massey said for the record, he was a non-water user. Mr. Rider said that was correct. Selectman Massey said if the other position is filled, it would have to be with a water user.

- K. **Zoning Board of Adjustment** (1 member, term to expire 12/31/10; 3 alternates, 2 terms to expire 12/31/10 & 1 term to expire 12/31/08)

- 1) Michael Pitre (incumbent member) (See Mr. Pitre's comments under Building Board of Appeals.)
- 2) **Marilyn McGrath** (incumbent alternate) said she was reapplying for the alternate's position to the ZBA, which she considers a liaison position from the Planning Board. In all cases before the ZBA that will go before the Planning Board, she steps down on, which has been a policy of hers from the beginning. After Selectman Maddox raised the question about that, and in checking with legal counsel, it was clear that that was the proper thing to do. She'd like to continue serving on this Board.

Selectman Maddox said having a person who is willing and able to be on both (Planning Board and ZBA) is a great asset, but primarily to the Planning Board because they get to see, as it's going through the process earlier, they get to make sure everything keeps the same language and follows all the way through. It is just an asset to have someone willing to sit on both of those land use boards. It must be tedious at times, but definitely, it has come to be a benefit to the town.

Ms. McGrath encouraged the Board to appoint Mr. Pitre to the Zoning Board, as he is such an asset. She also urged the Board to reappoint Suellen Quinlan and Terry Stewart to the Planning Board. Both of them are strong members, particularly Suellen. Her knowledge, legal background and ability to sift through some of the mundane and really cut through to the core of issues is critical to the Board. She is one of the most valuable members of that Board, so she encouraged the Board to reappoint her.

- 3) Tierney Chadwick (See Ms. Chadwick's remarks under Planning Board.)

6. **CONSENT ITEMS**

Motion by Selectman Maddox, seconded by Selectman Massey, to approve consent items, as appropriate, carried 5-0.

- A. **Assessing Items**
- 1) Recission and re-issuance of abatement application, Map 107/Lot 031, w/recommendation to approve.
 - 2) Recission and re-issuance of abatement application, Map 204/Lot 072, w/recommendation to approve.
 - 3) 2007 Application for abatement, Map 258/Lot 009 w/recommendation to approve.
 - 4) 2007 Application for abatement, Map 224/Lot 009 w/recommendation to approve.
 - 5) 2007 Application for abatement, Map 190/Lot 037 w/recommendation to approve.
 - 6) 2007 Application for abatement, Map 253/Lot 024, w/recommendation to approve.
 - 7) Current Use Lien Release, Map 187/Lot 23, 12 Kara's Crossing Dr, with recommendation to approve.
- B. **Water/Sewer Items**
- C. **Licenses & Permits**
License to purchase Scrap Metals by Granite State Salvage Co., Inc. (recommended by the Chief of Police)
- D. **Acceptance of Minutes**
Board of Selectmen's Minutes of November 27, 2007
- E. **Calendar**
- 12/12 7:00 Budget Committee in BOS Mtg. Rm.
 - 12/12 7:00 Planning Board in CD Mtg. Rm.
 - 12/13 6:30 Recreation Committee @ Oakwood Facility
 - 12/13 7:30 ZBA in CD Mtg. Rm.
 - 12/13 5:30 Sewer Utility Committee in BOS Mtg. Rm.
 - 12/13 7:00 Budget Committee in BOS Mtg. Rm.
 - 12/17 6:30 School Board in BOS Mtg. Rm.
 - 12/17 7:00 Recycling Committee in CD Mtg. Rm.
 - 12/18 7:00 Board of Selectmen in BOS Mtg. Rm.
 - 12/18 7:00 Cable Committee in CD Mtg. Rm.
 - 12/19 5:00 Water Utility Committee in BOS Mtg. Rm.
 - 12/19 7:00 Budget Committee in BOS Mtg. Rm.
 - 12/19 7:00 Hudson Senior Council on Aging in CD Mtg. Rm.
 - 12/20 7:30 Budget Committee in BOS Mtg. Rm.
 - 12/25 Christmas – Town Hall closed
 - 12/26 7:00 Budget Committee in BOS Mtg. Rm.
 - 12/27 7:00 Budget Committee in BOS Mtg. Rm.

12/27 7:30 ZBA in CD Mtg. Rm.
01/01/08 New Year's Day – Town Hall closed

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on November 27, 2007:

Motion by Selectman Robinson, seconded by Selectman Maddox, to adjourn at 11:22 p.m., carried 5-0.

B. Zoning Petition to Rezone Green Meadow Golf Course (tabled to 12/11/07 from 11/27/07)

Chairman Jasper said the petition that Mr. Peters submitted today was not ready to be forwarded to the Planning Board, as it had only 21 valid signatures. Priscilla indicated that Mr. Peters stated he'd bring in additional signatures tomorrow. Chairman Jasper said he concerns with the form of this petition. The way it's worded, it doesn't appear to be in the proper form at all. It says to change from G-1 to R-1 "or any new residential zoning voted in by the town at Town Meeting." It's a petition to the Planning Board, but the Planning Board can't rezone. His understanding is that when somebody signs the petition form, they need to know what they are signing. The verbiage needs to be on the page, otherwise they don't really know what they are signing. One of the petition attachments has no verbiage at the top; the other doesn't have anything to do with rezoning. If they were to vote on this tonight, his recommendation would be this is not in proper form and should not be forwarded because he didn't know how they could put this on and have a successful change, based on the language. He asked the Town Administrator to check with the attorney relative to the requirements for language on signature pages, or at least an indication that there is an attachment to the signature page, so people are aware of what they are signing. He thought this should be deferred until the 18th. Mr. Malizia said tomorrow was the deadline for accepting zoning petitions.

Selectman Maddox asked if they should remove from the table the petition that has been tabled from December 11. Chairman Jasper said this was a new petition and they should leave the previous one lying on the table because the Board sent him (Mr. Peters) a letter, asking him to bring another one forward, which is the one before them tonight. The first one can just die on the table.

Motion by Selectman Maddox, seconded by Selectman Massey, that the Board finds that the petition to rezone Green Meadow is not in proper form and that any valid petition received by the Selectmen's Office through the close of business Wednesday, December 12, 2007, be forwarded to the Planning Board.

Selectman Maddox said if this is what they want to say, they should stop with G-1 to R-1. That thing about some mystical residential zone that doesn't exist can't be on there. If they can get it on one piece of paper and signed by 25 people, then it becomes valid—whether it goes through the court, he has serious considerations, but there could be another petition, so he didn't want to cut off all.

Vote: Motion carried 5-0.

Selectman Massey said he was disappointed that no one from the petitioners came forward to the Board to, at least, make their case. He almost don't know whether these individuals exist. They see them in writing, but they never appear before any of the appropriate boards when asked to come. Chairman Jasper agreed. After the Board voiced concerns about the first petition and sent the letter, had they come forward and asked any of them what the proper form was, they would have received assistance to that end, but they chose not to do that and they have to live with the consequences of their actions. They are all willing to help people reach their legal goals, whether or not any of them agree with those goals. It is the Board's duty to assist them and make sure they can do that. He is confident that would have happened, had they sought out the assistance, but they did not and this is the end result.

C. Amending Chap. 261 of the Code, Pawnbrokers & Secondhand Dealers (Public Hearings on 11/13 & 27/07; tabled to 12/11/07 from 11/27/07)

Motion by Selectman Maddox, seconded by Selectman Massey, to remove from the table carried 5-0.

Selectman Massey said his recollection was, when they last visited this, was the Police Department and Cash Converters were going to get together to see if they could resolve their data transfer issues. Chairman Jasper asked Det. Sgt. Dyac and Information Technology Director Lisa Nute to come forward to provide an explanation. Det. Dyac said when they left off at the last meeting, they had agreed to let the IT Division go to Cash Converters to see the feasibility of what it would take to upgrade that system, with minimal intrusion to that business.

Ms. Nute said IT went in there to look and see if it was possible for them to spit out data that was NESPIN-ready, something that the police needed to send digitally to NESPIN. They found a Novell network that was capable of spitting out some type of data, but unfortunately, it's not compatible. It's all one long stream of text. To make it NESPIN ready would require programming by the IT Department or an outside hire to write a script or whatever so the Detectives could run the script against the data and then send it off. They also found it would be additional clerical work for the Police Department. It comes down to an additional burden on town resources for this information to be NESPIN quality.

Chairman Jasper said what he was hearing was Cash Converters need to but a whole new program in order to get the product the town is looking for. Ms. Nute said yes. What they currently have is not quite right. It would

require work by IT, and she's not sure that's feasible, either. It doesn't work the way it is. They could get it to work, but it would take additional IT and police staff work.

Selectman Robinson said he visited the business owner and in order for this to work, he'd have to buy or use a Windows-based system. He does not have a Windows-based system; he has Novell. The choice is to either put the burden on the business owner, to go out and purchase a new system, to purchase the software, which is Excel, and to ask the business owner to convert the data for the Police Department, or they can ask the Police Department to go out and get a zip drive to convert the data that will be provided by the business owner. It's who they way to put the onus on to complete what the Police Department is asking. He asked if that was correct. Det. Dyac said essentially, yes, but the business does have a Windows based compatible system, which they use to conduct eBay transactions, as well as some merchandise from their store, so he didn't see the problem, if they already have something in existence. Selectman Robinson said that's a personal computer on a different desk. They would have to extract the data from their Novell base, take that hard copy, assign it to an employee—during Christmastime—go over to a separate computer, bring up the Excel program and input the data to take that printout to hand it to the Police Department. That is what would be required at this point in time. Ms. Nute said that is exactly what the Police Department would have to do. The clerical staff has to enter everything by hand from Cash Converter's receipts. Selectman Robinson said so the Board was being asked to place the burden on the Police Department or business owner or remain with what they are doing now.

Selectman Maddox asked if the Police Department was currently sending this information to NESPIN. Det. Sgt. Dyac said no, they do not have the ability to do that. They are getting hard copies and inputting them into the IMC system, which does not have the capacity to transmit to another jurisdiction. Somebody would have to hear of Cash Converters out of mouth anywhere within the six states of New England in order to try to track down where stolen property may have gone to. Based on his experience reviewing pawn slips, a substantial amount of those slips come from Massachusetts, Maine, northern NH and areas that are well beyond the borders of Hudson. Selectman Maddox said since they are not doing this now, asked if it would be an imposition to make this effective July 1, 2008. Det. Sgt. Dyac said they would have no objection to that at all. The Chief would be willing to give Cash Converters up to a year to become fully compatible with what they are doing. Selectman Maddox said this is something that needs to be done in order to facilitate getting this information to an organization much wider than Hudson, but he didn't want to force it on a business owner in 14 days. It's realistic to say either July 1 or a year, so they have time to gear up for this. It's something that has to be done.

Selectman Robinson said they have only one pawn shop in town, and this pawn shop takes in 250 receivables, i.e., he accepts 250 pieces of merchandise through his front door. He turns or sells that in approximately three weeks, so they are asking a business owner to take 250 pieces of merchandise that he receives every week, at this point in time, with his limited resources to convert that data to a format that he is already giving the Police Department. Yes, the Police Department has to go through this program now. He feels that, with one pawn shop in town, asking this business owner to fulfil the requirement by this ordinance, they will be placing a hardship on this business, at this point in time, whether it be today, six months or a year from now. The business owner is already participating with the Police Department in extending his hold on merchandise. The ordinance is originally a seven day hold; he went to a 21 day hold before he sold any merchandise he took in his front door. That required him to go get extra storage space and rent more storage space to comply with the Police Department's request of a 21-day hold. This business owner has gone above and beyond for the Police Department, in this case, and at this point in time, he cannot support this because of the hardship it would place on this business owner.

Chairman Jasper asked, if they were to convert, if there would be a consideration of the hold time. If this information came in on a daily basis, would it be necessary for a 21-day hold? Det. Sgt. Dyac said that certainly would be open for discussion because if they can disseminate that information via mass media, then the need for a 21 day hold wouldn't be as necessary. Yes, the Police Department would certainly entertain that. Chairman Jasper said the business owner would save money over a long and continual time, not having to have as much storage. He noted there was a representative from the business present. Selectman Robinson said that would also reduce his cost of goods, as it is called in retail, and would increase his profitability, so he would be interested in what the business owner would have to say. Meet them half way; split the baby, as they say.

Selectman Massey said this ordinance doesn't talk about the frequency of the transmissions and if they were expecting that information on a daily basis. Det. Sgt. Dyac said it is time sensitive and they would be looking for weekly transmissions. Selectman Massey asked if the 21 day old was changed to a 14 day hold if that would allow the Police Department to achieve what it needs to. Det. Sgt. Dyac said he believed so. The minute they transmitted the information to NESPIN, they would have that information on their web sites.

Selectman Robinson thought the Police Department was receiving Cash Converters' receipts weekly now. Det. Sgt. Dyac said yes. Selectman Robinson said the Police Department collects cash receivables from Cash Converters every single week now, on Mondays, so the Police Department has it in their hand already. Chairman Jasper said but it's not entered into NESPIN. He thought it was to transmit daily and if they are doing it electronically, it would be very possible and that hold period could be decreased to a week. Det. Sgt. Dyac said yes, it would be. Daily would be ideal, but they weren't looking to put that kind of pressure on the business. They're not looking to hinder the business in any way, shape or form. They are just looking for the expeditious transmittal of the information.

Selectman Maddox said this ordinance wasn't ready for prime time. There is only one business in town. The Chief need to work this out with the business. The Board didn't need to be doing this tonight. Chairman Jasper

said he agreed. They do need to do this. It needs to get in an electronic form and if they have a consensus of the Board that they need to do this, they need to do what the police is asking for, what they are talking about is the period of time that is reasonable to make this happen, how often the information would be transmitted, and what they can move the hold time down to. He asked if they had a consensus.

Selectman Robinson said he'd like to call the business owner up. Chairman Jasper said they can do that, but as Selectman Maddox suggested, the Board is getting too involved in the detail in this and they ought to sent their concerns to the police and see if they and the business owner can work out something and come back to the Board with an amendment to the Code. Selectman Robinson said he'd agree to that. Chairman Jasper asked if that was agreeable to the business owner. (An unidentified gentleman answered from the audience, saying the ordinance was way too raw. There are issues that still aren't being addressed. They copy drivers' licenses and they still are going to do that. Going to a Windows-based system means they will double their workload. As Selectman Maddox said, it's not ready for prime time.) Chairman Jasper said there are other communities that are doing this, so obviously, there must be a program out there that could be looked at.

Motion to table until such time as the Police Department and business owner have had an opportunity to work on this together and the Police Department feels it is appropriate to bring back the amendment to the chapter by Selectman Nadeau, seconded by Selectman Robinson, carried 5-0.

D. Public Hearing on amending Chapter 205 of the Town Code, Fees, the Community Development Department's Fee Schedule (Deferred from 11/13/07)

Sean Sullivan, Director of Community Development, said the proposed fee schedule was discussed by the Board at the last meeting and the one previous to that. The Board had directed him to take a look at the fees that are charged, particularly as they pertain to inspectional services. They used the International Code Council as a guide, which recommends a recovery of 75% of the cost expended for those services. As a result of that goal, which was used as a base, they came up with some recommendations for fees that would increase them, among which is a \$30 application fee, which they don't now have for building permits.

Chairman Jasper opened the public hearing at 8:09 p.m. and asked if anyone in the audience wished to speak on this. There being no response, he closed the hearing.

Motion by Selectman Maddox, seconded by Selectman Robinson, to approve the amended residential and non-residential fees in the Community Development, Chapter 205 of the Town Code.

Chairman Jasper asked if someone in the commercial or industrial area wants to add one outlet, or one light, if they were required to get a permit and pay either \$175 or \$200. Mr. Sullivan said yes, but they don't see that all that often. Selectman Maddox thought they made that as one of those items ten and under. There was discussion on that very item when they talked about this. Chairman Jasper said the discussion was more charging per device and trying to do something that way. Selectman Maddox disagreed, saying he remembered saying this would discourage people from coming and pulling a permit for that very reason. He thought they were talking about having something more reasonable, but obviously, it didn't get into the final document. You don't want people not getting inspected because it'll be \$275 when it should be \$75 for one or two devices that they had to move. Chairman Jasper asked what a residential electrical inspection was. Selectman Maddox said \$75. Mr. Sullivan said with commercial or industrial folks, almost always an electrician will come in to pull the permit and it's not usually one socket or one light; it's usually a series of lights and it may include a series of inspections. Chairman Jasper said he would argue that there are probably a lot of times when someone needs to add a welder plug, or install another light somewhere, at this amount, no one will come in. Nobody is going to give the town \$275 for a \$75 job. They can live with that knowledge, if they'd like. Mr. Sullivan said he could come back with something different. The Building Inspector and Electrical Inspector are top-notch professionals and if they see that as a problem, he'll come right back to the Board. Chairman Jasper said that Mr. Sullivan probably ought to look at that because he won't know about it because no one will tell him, and nobody is going to remember what was there from one year to the next, if they do go in for a major thing. Maybe they are burying their heads in the sand, pretending. If it's five or 10 over, people might come in, but if they are going to do one or two things, they are not going to pay this kind of money. What is it going to take to inspect one to five outlets, and should they have something for that small thing. Selectman Maddox said they should probably pass this tonight, and then request the Community Development Director come back at a later date to amend this for the items they've brought forward this evening, after he's had time to speak with his staff, rather than them trying to craft something tonight. Chairman Jasper said the same might be true, but less likely on plumbing, because you don't usually just add a sink or a toilet, and those are generally bigger jobs, but he wanted to throw that out for consideration and if that should be looked at, as well. Electrical is what really hit him, as he thought about it.

Selectman Massey thought they've opened Pandora's box. What if he wants to add a faucet to the outside of his house. All he is going to do is cut into the line and run a pipe out the door. Would he have to pull a permit for \$75 for that? Selectman Maddox said yes. It was \$50 and he thinks that is realistic. Selectman Massey thought that amount was excessive for adding just one plumbing fixture. Chairman Jasper said that was right, but what's the worst thing that would happen if someone does a bad job installing a faucet? They'd have a leak. If they do a bad job installing electric, they might burn down the house or building, so that's more of a concern.

Vote: Motion carried 5-0.

E. **3 Lawrence Road, Jay's Automotive Inspection**

Sean Sullivan, Director of Community Development, said the Board directed that he look at the property at 3 Lawrence Road. A resident came before the Board about a month ago with some concerns, which have been addressed. The resident did have evidence of having filed a request for information in May of this year, but no one in his department had seen it. However, it did have a stamp on it, indicating it had been received by the CDD, so someone did see it, but they couldn't locate a copy of it, so they take responsibility for that. However, after he saw a copy from the resident, within three or four days, a zoning determination was sent to her. Subsequent to that letter sent to that resident, the abutter to this property, on December 5, the Community Development Department conducted an inspection at 3 Lawrence Road, accompanied by the Fire Inspector. A police officer observed the inspection. He, the Code Enforcement Officer, the Building Inspector and the Fire Prevention Officer, as well as the property owner and his son walked the site. They took several pictures and asked questions and came to the conclusion that the 1986 site plan has expired. The terms of that plan were never fulfilled by the predecessor owner in 1986. He subsequently spoke to the Town Attorney to solicit his advice and a senior member of the Planning Board's advice and they agreed that since the plan has expired, the terms of that plan, and the requirements of that plan, are not obligated to be fulfilled. The structure was never enlarged.

Chairman Jasper hoped that they don't do site plans any more with expiration dates on them. Site plans expire, but if somebody comes in with an existing business, and there is no other site plan on file, go through this whole thing and they don't do it and it just goes away, they are back to square one. He didn't understand the whole idea of an expired site plan when there is business activity. He understood if somebody wants to build something new, site plans expire. Mr. Sullivan said, particularly these days, when someone has a site plan drawing, making a substantial investment with an engineer or surveyor, most often they see terms and conditions implemented, or at least attempted to. This is unique and he hasn't seen that often in Hudson. There was a shed erected on the property for which a permit was issued a couple years ago. The Planning Board appealed that decision to the ZBA and the ZBA over-rode the decision, which they have every right to do. They informed the property owner that the shed needed to be removed, both a series of verbal and written documents communicated to the property owner. When they hit the end of the road, with the Town Administrator's approval, they solicited the assistance of the Town Attorney and filed a complaint with Superior Court in Nashua and had a hearing scheduled, requesting the judge to require that the shed be removed. About a week before that hearing, the shed was removed from the property. The Code Enforcement Officer went out and took pictures. The zoning violation had been abated and the Town Attorney was so notified. They filed a notice with the court that there would be no need for the hearing. At the same time, he filed a request for reimbursement of attorney's fees in the amount of \$1,500 which was spent by the town in order to pursue this litigation. The court agreed and awarded the town \$1,500 in court costs.

When the site inspection was conducted on December 5, they spent about an hour at the property. On the second page of his report, it talks about the Jersey barrier which has a designation painted on it, "Property of Jay's Auto." Mr. Sullivan said he wanted to advise the Board that the Chief of Police advised that he checked with all of the officers that responded to this property over the last three years and no officer in Hudson had recommended to the property owner that that designation be written on the Jersey barrier. Mr. Sullivan talked with the Town Engineer and Road Agent about this issue. There is a barrier and a fence at 3 Lawrence Road; on the abutting parcel, there is a timber retaining wall and some sort of rock or flower garden. That material is actually further into the right of way than the Jersey barrier. He asked if any of those items would impede the Road Agent's ability to maintain or plow Lawrence Road. The Road Agent told him no, they don't.

Selectman Robinson asked what Mr. Sullivan meant by no police officer instructed him to put Jock's Auto on it. Mr. Sullivan said the written report he submitted indicates that the property owner advised that a Hudson Police Officer recommend this information be painted on the Jersey barrier. The Police Chief disagreed with that statement. Selectman Robinson asked if it was the property owner's or the town's. Mr. Sullivan said it was privately owned. Selectman Robinson thought, then, the owner could paint whatever he wanted on it—within reason. It's his Jersey barrier on his property.

Mr. Sullivan said no violations were found. For an automotive use, it's one of the cleaner sites you'll find in the town of Hudson. The property was more than willing the work with the town and allowed them to walk the property. They weren't allowed to go inside the property, but that wasn't the purpose of the visit, anyway. They could not find anything on the property that was a trigger to a violation that would require site plan approval.

Selectman Massey referred to one of the pictures, saying it was hard to see because of the snow coverage, but it looked to him like it was outside storage. Mr. Sullivan said that was a four-place snowmobile trailer with the former shed on it. The owner advised that he'd remove that at some point. He wasn't aware of a specific prohibition in the ordinance that says you can't store outside. That language is contained in the home occupation special exception, but not on a commercial site. He's not aware of any language that says you can't store outside. Selectman Massey asked what the difference was between having a shed for storage and a fenced in area. Mr. Sullivan said a shed is a structure; a fence is not. Selectman Maddox said you'd see it on a site plan—no outside storage on this site. It would be something the Planning Board and applicant agreed to.

Selectman Maddox thought a copy of the December 6th memo be sent to both the owner of Jay's and to Mrs. Brown. Chairman Jasper said, without objection, Mr. Sullivan was so directed.

Chairman Jasper declared a 10-minute recess at 8:25 p.m.

8. **NEW BUSINESS**

A. **Liaison Reports**

Selectman Nadeau said he had none.

Selectman Massey said he met with the Conservation Commission last night and they would be more than happy to sit with the Board and have a workshop. He asked Priscilla to put it on the calendar for February.

This is the time of year when drinking and driving problems surface more often, so the Chief of Police asked him to remind people to be conscious of the fact that drinking and driving don't mix and to have happy, but safe holidays this year. The Chief is especially concerned because of what occurred last night and last week.

At the last meeting in November, Selectman Maddox asked him to talk to the Chief of Police about shift coverage, with concurrence by the Board. The issue was actually discussed at the Budget meeting, a week ago Saturday, at which time the Chief laid out the issues. If the Chief reassigns anyone to the third shift, the problem of understaffing has been moved to another area. The problem isn't solved; it is just shifted to another area. The Chief believes he needs the two additional people.

Selectman Maddox said the Town Clerk sent him a memo saying the Town Clerk's Office was looking to close at 2:30 on Christmas Eve, December 24, and the clerks would be using their earned time. He didn't think many people would be in to register their cars or dogs on the day before Christmas, but he wanted to let the public know. On Christmas Eve, most people are trying to head home, and the Town Clerk was just trying to do the same thing for her people.

Relative to street acceptances, there is talk that there is some document, which he asked the Community Development Director for, but it wasn't in his mail distribution when he checked tonight. This is something they need to correct. It's one of those things that, by no fault of anybody, but by the fault of everybody, they get put in a position that is challenging for all. There is some sort of date that says December 1 is the cut-off. That is kind of challenging because what does that really mean? He will work with the Community Development Director, through Steve, to formulate... he thinks it should be some town ordinance or in the Planning Board regulations that clearly defines that you must have all of your paperwork in by September 15, which gives them a month to go through the process of having all of the departments that have to sign off on it, give the Planning Board a chance to see it, and then submit to them. There's one in this evening; there's one more that has kind of been caught behind the eight ball for a number of different reasons. He will see if he can get it on next week's agenda. They need to set something in place that everybody understands what the procedure is. Right now, it's hearsay, or somebody thinks there is a memo. They need to codify it. There is an issue there of fairness, of one trying to make everybody understand that if you turn in paperwork on Tuesday, it doesn't mean you're going to be all set by Friday. It takes a number of weeks to get through the inspection, the various departments, all of that, and to get it in timely to the Selectmen has been a challenge lately. There is one tonight and there may be one next week, with the Board's indulgence—but they need to correct that.

Chairman Jasper said there is a deadline that was adopted by the Board a number of years ago, but he didn't know when that deadline was, so he asked Priscilla. She said the deadline was December 1, adopted by the Board on October 14, 2003. Chairman Jasper said that meant the paperwork had to be done and in by then. He agreed that it would be better to have it codified. He didn't think the Planning Board can do anything because it's the decision of the Selectmen. It would be better to say all applications must be in for street acceptance by October 15 because the person who is applying can't control when it gets through town staff. They'd have to work back to determine when the submittal must be in. Selectman Maddox said Thanksgiving and the law lecture series also have to be factored in because that throws off the Planning Board meetings because they take off the end of October. All of that makes the December 1 date tough to meet. Chairman Jasper said maybe the submittal has to be in by October 1. They don't want to push people back too far, or it will be impossible to do good inspections, such as now, which is covered with snow and ice. They should give that as a task to the Town Administrator, to determine a reasonable date, saying they haven't given him anything to do in a couple of weeks. The Town Administrator can determine what the process and date should be; he is to come up with a plan for the Board.

Selectman Robinson thanked the Highway Department and the crew for doing an outstanding job during the past two weeks. They've had two storms where they've had to take care of the roadways and keep them safe for the residents.

His last item brings a tear to his eye, and to Selectman Maddox's, he is sure. In January, they are going to have a plug-pulling-party with the VAX. It will die a quick death, and the Selectmen will be invited to that party and they will have to decide who will pull the plug. Selectman Massey said there was no doubt who is going to pull that plug. Selectman Maddox said he's been waiting for that for a year and a half. Selectman Robinson told him to do his exercises to get his arm ready to pull that plug. Selectman Maddox said he'd believe it when he sees it. Selectman Jasper said it's scheduled for January 4, when they're having their luncheon festivities.

Selectman Jasper said as the legislative liaison, they had a meeting that was not well attended by the Representatives, but the Knowles were there, Bob Haefner, Andy Renzullo and he was at NRPC to talk about the plan to get the northern bridge in and connected to the Henri Burque Highway. It follows much the same path until it gets down to the river, it bears off and comes back from Litchfield into Hudson and crosses over. There will be some houses in Nashua that need to be taken and some property in Litchfield that needs to be

purchased. The interesting thing and of concern to him is that when they looked at the traffic, it was going to end on 102, but when they looked at the traffic, they saw so much coming down across from Greeley Street, taking a left on Old Derry Road and then going out and attempting to take a right on to 102, there would be too much stacking on 102, so they decided the road needed to end of Old Derry Road, but it makes more sense than doing what they were talking about earlier. That brings a lot of traffic down a road which is not a terribly good road. There was always the concern of Greeley Street and Old Derry, whichever way it went. There is the house at the bottom of the hill that has been hit twice; a very bad intersection. This is going to be a long term process, if the legislation gets through, because this is private financing with no risk to the state, he thinks it is a very good plan. Then it's time for them to bring it up a notch with the Congressional Delegation, the Senators and try to find the funding to go from Old Derry Road to 111 because regardless, when that road opens, the traffic on Robinson Road, Lawrence Road, Greeley and Old Derry Road is going to be negatively impacted. That's going to be their challenge. Obviously, it's necessary, but they may have to look at some road changes on Old Derry and Greeley Street, if that ends up where it's going. He didn't think what they are proposing really works. They need to do some intersection improvements and some roadway improvements on that section of Old Derry Road. It's only about a quarter of a mile to where it actually intersects it. The interchange on Old Derry would be in Litchfield, but there's going to be some severe traffic impacts. Every time you do something, it impacts something else negatively, and the only way to make it not negatively impact the roads is to get it to 111. A lot of the land is owned, so that's good. They're not running into a lot of wetlands and that's good. Hopefully, they can do something.

Relative to Benson's, he has heard nothing. Commissioner O'Leary, who has since departed, and it's now in the hands of Acting Commissioner Brillheart, he will give him a call and see what's going on. If he can't get anywhere doing that, he will schedule a meeting with the Governor in January to try to move this along. He didn't hear anything on his request with Stop & Shop, either, even though he spoke to Commissioner O'Leary the week before he departed, when he assured Chairman Jasper he'd get at least one letter, but unfortunately, the town didn't get anything.

Chairman Jasper met with the Fire Department for a couple of hours, the Chief and two Deputy Chiefs and talked about some long-range planning for that department. They need to move forward with talking about the facilities, the stations, the staffing, etc., trying to stick with a reasonable five-year plan. When they start going out beyond that, it becomes more of a wish list and who knows who is going to be around, and talk about all those issues. They have that facility to be concerned about, but everything affects something else. That's what they will be working on and he will be working with them, coming forward at some point in the coming year to have discussions with the Board about all of those issues.

B. Timber Harvest, Gowing Road, Hudson and Pelham

Chairman Jasper recognized Assistant Assessor Jim Michaud and from Pelham's Forestry Committee, Deborah Waters and Paul Gagnon. Mr. Gagnon said he was the Chairman of the Conservation Commission and they were requesting the Board to waive the \$890 timber tax on a piece of property called the Gumpus Pond Conservation Area. Pelham purchased this property in 2004 for \$780,000 with Pelham funds; there were no Hudson funds used. Approximately 20% of the property lies in Hudson. Since then, they've spent about \$15,000 on improving the site. They put a small gravel parking area from the Pelham end, which is accessed off Hines Lane, which can hold half a dozen cars. The Gowing Road end is the access for Hudson residents. They improved the dirt road coming in on to the conservation land from Gowing Road and created a small yard, where the skidders bring the trees and they get cut up and put on the logging trucks or shredded and brought to electric power generating plants and that sort of thing, so they invested another \$15,000 on top of the \$780,000 and they've also invested countless volunteer hours in cleaning up the property. They pulled off a dozen burnt, wrecked cars, tires, etc., and filled a whole dumpster with trash. They have what they feel is a pretty nice piece of conservation land that's open to the Hudson and Pelham public and they've just gone in with certified, licensed NH foresters, who oversee the timber harvesting operation. As a result of that timber harvesting operation, legally, Pelham owes Hudson that timber tax. The Pelham Selectmen have waived the timber tax, and they're asking the Hudson Selectmen to do the same thing, in return for Hudson residents being able to utilize this nice piece of property. It's the first thing they've asked Hudson to do for them on this parcel.

Ms. Waters said several years ago, the property was also voted as a town forest and, as such, it's managed by the Forestry Committee, so it's a joint effort. The Conservation Commission is the first manager, the Forestry Committee is the manager of the forest and they hired a NH licensed forester to go in and look at the property, and generate a management plan, which they presented to the Selectmen and they approved the plan. On the Hudson side, there are about 33 acres, some of which lies within the Musquash wetland. There are two stands of timber. They're not going into stand one because it's a sensitive area in the Musquash area. Stand two is where the timber is coming from on the Hudson side and they are doing a light harvest in that section.

Mr. Michaud said he was present to answer any questions the Board had and provide any factual evidence about the property and timber tax laws. Steve Malizia got the town attorney involved to see if the Board had the ability to abate a timber tax. It's the Board's decision. It's a \$900 estimate of what the town would not be receiving, if the Board did decide to waive/abate the timber tax. This abuts the town's conservation land, it's a community Hudson shares a border with, and he could argue either side.

Chairman Jasper asked Mr. Malizia to speak to the attorney's opinion. Mr. Malizia said he asked Atty. Buckley last week if the Board of Selectmen has the ability to waive a tax. Simply put, he sent an opinion that Mr. Michaud saw and had some questions and comments on. The intent to cut is made out by another entity, North Country Lumber. Ms. Waters said that is the logging operators and Bay State Forestry Services is who is

managing the job for them. Mr. Malizia said based on that information, the intent to cut was made out by an entity that is hired by, but not the actual Pelham government, so Atty. Buckley recommended that, instead of waiving the tax, to abate the actual bill when it's issued. Right now, they don't have a bill. It hasn't been calculated. It's only estimated. Mr. Gagnon said the harvesting is almost done, and should be wrapped up in another week or so. Mr. Malizia said, at that point, they will be able to calculate the actual tax and, at that point, Atty. Buckley in his letter today, recommends that the Board consider abating that. The bill would be issued, then abated, and that's where they stand right now.

Selectman Massey didn't understand the Attorney's follow-on comment that says the exact dollar abatement be returned to the town of Pelham. If that's the case, there is no abatement. To him, the abatement says that North Country pays nothing and Pelham would get nothing. Mr. Michaud said he'd produce a bill and it would be up to the Board to decide if they wanted to issue the bill, then it would be up to the Board to decide if they wanted, then, to abate the bill. Procedurally, that's the proper way to do it. He gets a report of the wood cut from the timber harvester. He generates an estimate of the value of the timber. He recommends to the Board a timber tax warrant, then he's done his job. Then the Board decides, at that point—or they can pre-decide now—the Board can waive the tax. By waiving the tax, the town of Pelham would not get a reduction in the amount of revenue they are getting from the timber harvester. Chairman Jasper said there would not be an actual exchange of funds. He thinks they ought to follow the Attorney's suggestion, but wanted to get a sense of the Board as to whether they wanted to abate the tax.

Selectman Maddox said this was a case of being good neighbors. He hoped they'd do the same for Hudson. It is good forest management, so he applauds them for that. All in all, this is the right way to do it. If they all work together to keep their forests culled the way they should be, doing all the things they should be doing for proper forest management, this is one place where the \$900 is well spent by not collecting it.

Selectman Massey said last night, the Conservation Commission unanimously voted to recommend to the Board to abate the fee, if that was possible. He thought Selectman Maddox's comments were spot on. Selectman Robinson said so the folks at home have an idea of the size of the property, when it's all said and done, the land is twice the size of RiverPlace; close to 700 acres. The amount of land they are talking about is very large. He applauded the town of Pelham for its initiative and highly supported this endeavor. Chairman Jasper said that includes the Musquash area of Hudson, which is 450 and their land is over 700 acres, so it is a huge area, a great piece of property. Selectman Nadeau agreed with Selectman Maddox. Cleaning up the wood and harvesting is great for forest fire protection and it's also very goof for the surrounding towns like Hudson that is able to use this property. He would have no problem with abating this, either. Chairman Jasper said they have a unanimous decision that when the actual timber tax comes in, the Board will vote to abate it. Selectman Robinson said if they ever get Benson's, they'll offer Pelham a free pass.

C. Bid Recommendation—Central Street Reconstruction

Community Development Director Sean Sullivan and Paul Konieczka from CLD were recognized by Mr. Malizia, who said they were present to discuss the award of bid for the aforementioned project. Mr. Sullivan said they were before the Board almost two years ago about improving this intersection. After coming before the Board a few more times, there was a design that was agreed to. The Board was advised that when they went out to bid and came back with a construction figure, it would be presented for approval, adding that Mr. Konieczka was present to give the Board the abridged version of the project, since this is an intersection that is used very much in the town. Mr. Konieczka said the focus of the project as to improve the geometric deficiency at Library Street that comes out at an angle, to bring that more into a "T" configuration and to signalize the intersection and provide pedestrian crossings and sidewalks, extending the sidewalk up Library Street to connect with the existing sidewalk and it goes as far as Gillis Street, the grinding of the pavement, overlay, resetting of the curbs, providing for the signals and the connection of the signal with Lowell Road and some restriping of the section of Central Street between Gillis Street and Chase Street to provide a center line that is consistent with the improvement that is being provided. Right now, it's pretty wide open. Signalization would not be coordinated with Library Park because of the distance. There are timing improvements that are recommended, once this is in place that they will be participating in with the town as part of the existing contract to adjust the timings of the intersections, based on how it ends up being utilized. There will be a pretty straight shot from 102, Highland Street, (he continued to speak, using a visual to indicate where he was talking about). This is a major improvement and they are happy with the way it has turned out, but it has been a long process. They got responsive bids that came in lower than the engineers estimated it would. He looks forward moving this toward construction next season.

Chairman Jasper said when this was here last, his concern was the turn on to Library Street by tractor trailers. Mr. Konieczka said that was improved so it would work better. They had to pull the nose back and improve the radius. Selectman Robinson asked if the construction would take less time than the 102 project. Mr. Konieczka said the contract calls for 230 calendar days from notice to proceed. He anticipates they will be in the ground somewhere around April 1, with substantial completion around August. Chairman Jasper said it was a much smaller project. It's also important to note that Kevin has on his schedule to reclaim the rest of Library Street during the paving season next year, as well, which has deteriorated badly. Selectman Robinson said they already did the catch basins.

Selectman Maddox said a long time ago, he thought they asked them to look at the intersection of Ferry and Library, to do some improvements. He asked if that was part of this contract. Mr. Konieczka said there were plans developed for paper marking improvements that are going to be done by the town that is not part of the construction contract. It's basically providing a left turn lane on Library Street so that the thru motions can go

by there so the traffic isn't being delayed by people trying to take left turns. Selectman Maddox asked if the traffic light would be of the new design with cameras, as opposed to the loops. Mr. Konieczka said video detection; it's the town standard. Selectman Robinson asked where the camera monitors were. Selectman Maddox said they are not that kind of camera. Chairman Jasper said they trip the lights.

Mr. Sullivan said the town was awarded a CMAQ grant in the amount of \$120,000 with the remaining balance coming from the corridor account. This is a good example of how impact fees are used to improve traffic for the residents of Hudson.

Motion by Selectman Massey, seconded by Selectman Robinson, to award the Central Street (Route 3-A) reconstruction contract to Continental Paving, the lowest bidder, in the amount of \$481,698.70 for the purpose of implementing improvements at the Central Street and Library Street intersection, as recommended by CLD and the Community Development Director, carried 5-0.

D. Amending the Personnel Policies, §H, Use of Computers, e-mail, Network, Internet and other Communication Devices

IT Director, Lisa Nute, said this policy rescinds the current policy, going from three and a half pages to over eight pages. It's more in depth and includes a lot of new technology that is being used was not there previously. There is one sentence that remains from the former policy, but that is all. This will do away with the police policy that has been in place, except for one which goes into detail on how they use their mobile data terminals connected to the state, but that would be fine to just keep that there. Continuing, Ms. Nute hoped this would be more simple for the employees to follow because it provides some definition, such as lan and PC, etc. There is a page and a half of just definitions. It talks about responsibility and authority on passwords and things. They tried to address some current issues that they are having with applications that don't force a password and things like that. It goes into prohibited conduct, personal files and unauthorized connection and things like that. It covers internet and in-house, as well. Not only PC's, but it covers peripheral devices, as well as the copier and fax—remote communications. Department heads asked that she include things such as cell phones and pagers, which she did, so there's a couple pages on those things. If there is any infraction, it would be up to the department heads to ensure this is being followed within their own areas, and it states that.

Chairman Jasper said this is probably one of the most thoroughly drafted policies he's seen in a long time. Selectman Robinson echoed that, saying this was extremely comprehensive, thorough and well done. The difference between the old policy and the proposed one is huge.

Ms. Nute thanked them for the remarks, then thanked Selectman Massey for coming up with some additional good ideas that needed to be included. Selectman Massey said the policy now includes any person who uses town computers, which means that it encompasses folks like the Board of Selectmen. "A member is a non-employee that's authorized to use the town's IT." It now makes it possible for them to manage it from a total perspective. He said there is a small typo on (hand-numbered) seven, under *J. Electronic Mail*, on the 2nd line, after "criminal investigation," it should say, "employees/members." The intention is to recognize all the changes in electronic technology that occurred over the last umpteen years and incorporate them into this document and to provide a very clear roadmap to the people who are going to use the computers what does constitute valid usage and prohibited usage.

Selectman Robinson said he had one request. Of the 10 e-mails he gets a week, seven or eight are trash e-mail. He asked if the filter could be improved on his account. Somehow that needs to be fixed. On his personal e-mail, he can block junk e-mail. Chairman Jasper said he didn't have a town account, so it's not a problem for him. Selectman Massey said if Selectman Robinson was using seresc, the seresc organization is the one that manages the filters, not the town IT Department. Once the e-mail system is brought in-house, they will then be able to manage it at a much different level.

Motion by Selectman Massey, seconded by Selectman Nadeau, to rescind Section H of the Personnel Policies, adopted June 13, 2000 titled "Use of Computers, e-Mail and the Internet," and replace it with Section H, Use of Computers, E-mail, Network, Internet and other Communication Devices," dated December 11, 2007, as recommended by the Information Technology Director, with the correction as noted by Selectman Massey, carried 5-0.

E. Addendum 11 to GZA Contract—Monitoring Burns Hill Road Landfill

Town Administrator Steve Malizia said this was a budgeted activity, budgeting this and the West Road landfill. They have come in each year for this effort.

Motion by Selectman Robinson, seconded by Selectman Nadeau, to approve Addendum 11 to the contract with GZA GeoEnvironmental for the monitoring of Burns Hill Landfill in the amount of \$17,000, as recommended by the Town Engineer, carried 5-0.

F. Request by the Library Trustees to waive the various Fees during the construction process of Rodgers Library

Chairman Jasper said he was planning to recognize John Knowles, Chairman of the Library Trustees, but he was not present, adding that he probably didn't need to be here for this item, anyway.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve a general waiver that would apply to any and all fees or charges associated with the construction of the Rodgers Library, which is a municipal project--including, but not limited to water and sewer hookups, planning and engineering fees, inspection fees, impact fees--as requested by the Library Board of Trustees.

Selectman Maddox said he seconded the motion for discussion, but he planned to vote against it. This is coming to the well once too many times. They asked how much it cost to build a library. He certainly hoped their engineers put into the price of the project the various costs. He didn't think it was unreasonable to say there is a price to do a construction project, so he didn't understand why they need to come back, after just giving them \$450,000 on top of the \$4 million to now waive the fees. It's unfair to the water and sewer users that have... this is just going one step too far and he will vote in opposition. It's a way to track it. How much money is that? Where is it? He knows people will say it's town money and they are just moving it around, but it's a case of \$4 million that should have included construction costs, permits and fees.

Selectman Robinson said they will probably spank him, as well, but he will vote against it because of the word "general." If there were specific requests, make them specific, but the word general opens up a very large checkbook, so for that reason, he will vote against it.

Selectman Nadeau said he had a couple of questions--and wished Mr. Knowles was present--about water and sewer hookups. Does that money go toward the water and sewer general funds? Mr. Malizia said in the Water account, there are a couple of different fees and one of them is a meter charge, where you will come in and apply for water. It's a \$400 charge and will include the meter, inspection of the meter, installation of the meter. There is also an increase scale charge for buying into the capacity of the water utility, as well as future infrastructure improvements. Those fees are in the several thousand dollar range. On the sewer side, he assumes there is an application fee, but they'd also be paying the capital assessment fee. When folks build a single family home, they pay approximately \$2,300. There's an equivalent fee for commercial/industrial/larger building for the sewer capacity that they will now be occupying. Those funds go into various sewer or water buckets. The sewer fund goes into a capital assessment account. It currently is about \$6 million. The water utility fund is approaching \$700,000. Those are fees to buy into the capacity of those two systems. They are not so much of an inspection fee, it's for future expansion needs, capital improvements, water source, waste water source, etc. The impact fees could be for corridor accounts, traffic improvements, etc. He assumes they would be exempt from the library fee because they are the library. The Rec was voluntary, so perhaps they wouldn't volunteer to pay that. There is also a school fee, which goes into a bucket for school. There are other fees, such as for inspections by Mr. Webster or Mr. Sommers, Mr. Oleksak, Mr. Bourque. Those fees come back to the general fund. A developer might come to look for an inspection by Mr. Webster or Mr. Sommers and those get into an escrow deposit account, so they would charge against that. They don't really come to the town's coffers; they are just offsetting the town's cost. There's a variety of fees, going into whatever bucket is appropriate. The Library Trustees have made this request for a waiver for any and all fees that the town would normally impose on someone building something.

Selectman Massey said on the basis of the comments that Selectman Maddox made and realizing who pays for what, asked if the seconder would agree to add into the motion, "with the exception of corridor impact fees, sewer fees and water fees." Selectman Robinson said absolutely. Selectman Maddox asked if that meant (the library) would pay those. Selectman Massey said that was correct. Selectman Maddox said he would certainly... Selectman Robinson said absolutely.

Chairman Jasper said he was going to sit there and say, "Oh... my... God." Selectman Massey asked, if it gets a second, he could explain why. Chairman Jasper said it already has by the maker and the seconder. Selectman Massey said his rationale is the sewer and water, in particular, are not funded by taxpayer money. It's funded by the users of those systems and they have a right, as users, to expect that any and all people who hook up to it and purchase capacity should have to pay for that ability. On that basis, it's appropriate that they pay the fees. In the case of the corridor impact fee, they are going to have an impact on the corridor, so it would be appropriate for them to pay that, as well.

Chairman Jasper said he was going to sit there and say, "Oh, my God." This is so hypocritical. If he were the Rodgers Brothers, sitting home and watching this, he would be so disgusted right now, he would have second thoughts about giving this town anything. Show him that Hills Garrison paid a dime. Show him that the Highway Department paid a dime. Show him the Police. This is the same thing. This is a municipal building. The only difference is, in the case of the Highway garage and the Police, that's under the Board's control, but the same rationale would apply to all of those buildings, in particular to the schools, which have more of an impact on any of those systems than anything else. This is just beyond the pale. This town has gotten a \$4 million gift. Almost no town gets anything like this, and they are going to sit there and do something they've never done with another municipal building ever. They are going to assess impact fees? They're going to assess sewer hookup and water? This is just beyond the pale if the Board does this. It's just beyond the pale. This is the most hypocritical thing that he has ever seen. How this Board could suddenly do this is just beyond him, just absolutely beyond him. Unbelievable.

Vote: Motion carried 4-1. Selectman Jasper was opposed.

Chairman Jasper declared a recess at 9:30 p.m. The meeting resumed at 9:37 p.m.

G. Public Hearing on the acceptance of James Way as a Town Street

Chairman Jasper opened the public hearing at 9:37 p.m. and asked if anyone in the audience wished to speak to this item. Being no response, he closed the hearing.

Motion by Selectman Maddox, seconded by Selectman Robinson, to waive the policy of not accepting any streets after Dec. 1, as adopted by the Board on 10/14/03, carried 4-1. Selectman Jasper voted in opposition.

Chairman Jasper said they will save somebody from plowing their street in violation of the policy but, by God, they are going to charge the library.

Motion by Selectman Maddox, seconded by Selectman Robinson, to accept James Way as a Town street, as recommended by the Town Engineer, carried 4-1. Selectman Jasper voted in opposition.

H. Public Hearing on Amending the Fee Schedule in the Recreation Department

Dave Yates, Recreation Director, said during the budget process, there was some concern about the Rec program fees and how much the Rec Department was bringing in. He brought several recommendations to the Rec Committee and they reviewed them, and their recommendations are before the Board tonight. If the increases are approved, he estimates an increase of about \$35,000 in revenue, as long as their numbers remain the same. That would bring the revenue to a total of \$236,000 or approximately 66% of their total budget being covered by revenue.

Chairman Jasper opened the public hearing at 9:40 p.m. and asked if anyone in the audience wished to speak to this item. Being no response, he closed the hearing.

Motion by Selectman Robinson, seconded by Selectman Nadeau, to amend the fee schedules in the Hudson Town Code, Chapter 69, Meetings and Minutes, §3 & 4; Chapter 205, Fees, Recreation Department \$1 and \$11 and Board of Selectmen, §E as outlined in the public notice that appeared in the HLN on November 30, 2007.

Selectman Maddox said on Chapter 205, it says the video tapes, now DVD's, is \$15 and he asked if that was for the Recreation Department. When they talked to the Cable Committee, they were looking to reduce that. It's no longer a tape they are buying for \$3, they are buying a DVD for short money. He was surprised it was staying at \$15. Chairman Jasper said someone still has to take the time to do the recording. Selectman Robinson said they are still paying a cable person to do that.

Chairman Jasper said he couldn't support this because the jump in the summer program to \$200 from \$150 was a little more than he could support at this time.

Vote: Motion carried 4-1. Selectman Jasper voted in opposition.

I. Bid Recommendation—Financial Audit Services

Steve Malizia, Town Administrator, said the Board had directed him and the Finance Director to prepare an RFP for audit services, which they did and direct mailed to the five major firms that audit in the state. Two of them sent letters saying no thanks, and only one response with a bid. In the auditing world, it's very unusual to change your auditor, unless there is some good reason, such as malfeasance. The other problem becomes, with a community the size of Hudson, the 10th largest in the state there aren't many firms that can perform such an audit. The problem becomes waiting the audit to be done in August so they can have the data to set a tax rate, which is critical to a financial well-being of the community. If you are an auditor capable of handling Hudson, you are already servicing clients and most likely loathe to dump those clients to take on the town of Hudson. Pretty simple, but that's the way it seems to work. They got some negative response from that. The town is also not GASB-compliant and there are auditors who will not do the audit on that basis. Hence, they got the one bid from the auditor the town's been using for the last 20 years. They also audit the schools, so there has been that synergy, if that means anything. The schools just went through this same program and they are still using Plodzick and Sanderson. They do want to have a qualified, competent auditor. Looking at Newmarket, there is some evidence of malfeasance, with the single practitioner auditor who was doing the auditing there. There are some new stories out there was a situation where the Town Administrator, Finance Director and appears the town auditor may have been working together to possibly not prepare the books in a proper manner. It is still being reviewed.

Chairman Jasper asked what was in the 2008 budget for auditor services. Mr. Malizia said \$27,500. Chairman Jasper said the bid was \$39,000 so this cost the town a considerable amount of money. Mr. Malizia said yes. Government accounting standards and how they audit is an evolving, changing field. He and the Finance Director attended some seminars at the LGC Conference. Government entities are subject to more and more stringent auditing requirements and more is being asked of auditors and it is becoming tougher. The auditors are being asked to do more, and that evolves. The town is not GASB-34 compliant, but that doesn't mean they don't comply with the rules and laws. When the auditors looked at the backup material, how much time they believed they needed, the bid is higher than the budget; no question about it.

Chairman Jasper asked what they paid for this year's audit. Ms. Carpentier said it's only about 80% complete. Chairman Jasper asked what they expected the bill to be. Ms. Carpentier said \$32,000 - \$33,000, but they paid an additional \$2,000 for some specialized training for a staff member. To expand on what the Town Administrator said, there is a new standard out called an SAS-112, which is a statement of auditing standards that the CPA's need to work up against and they are emphasizing internal controls and they really have to put a

lot more work into it and that's a big reason why they are seeing increases. It was as of May 2006, where the auditors are held to the new standards.

Selectman Robinson asked if, going forward, the audit would be more involved and more comprehensive and more protective of the town. Ms. Carpentier said yes. She thinks they need to educate themselves more in internal controls to make sure they are aware of what they are and where the weaknesses are and make the necessary changes. Selectman Robinson asked if this should be an eye-opener to them, that there are areas they could have and should have improved, and now they have the opportunity to improve. Ms. Carpentier said definitely. Mr. Malizia said one can always improve. He didn't want to give anyone a negative impression on anything.

Chairman Jasper said he didn't understand this. Because they went out to bid for an audit, they are getting a better audit than they were getting. Ms. Carpentier said no. Because of SAS-112, they are being held to a higher standard. Chairman Jasper asked what that had to do with going out to bid. Ms. Carpentier said there is a reason why the price jumped up from the last time she was here with the numbers. That's what she was trying to explain. Chairman Jasper said this looks like it is going up about \$7,000. Ms. Carpentier said that was correct, about 18%. Chairman Jasper said they've never gone up that much before, so the increase was probably a result of putting the audit out for bid.

Selectman Massey said he wanted to clarify something Ms. Carpentier said. They currently are in fiscal 2008 and they have got budgeted \$27,500 but that bill doesn't get paid... or is that money being paid for what they did in August? Ms. Carpentier said right. Selectman Massey asked how much that was actually going to wind up being. Ms. Carpentier said she was thinking around \$32,000 but they haven't got the final bill yet. Selectman Massey asked if the \$32,950 put in there because Plodzick originally said when they weren't going out to bid. Ms. Carpentier said that's correct. Selectman Massey said now they're looking at a \$7,000 increase. Just so everyone understands, GASB stands for Government Accounting Standards Board. It's the governmental equivalent of FASB, the Financial Accounting Standards Board. The town is not in compliance with GASB. At some point, they are going to have to be in compliance. Until such time, it hurts their bonding. It's problematic as to whether they do it, but wondered what the estimate would be to bring the town in compliance with GASB-34. Ms. Carpentier said she hasn't asked recently, but it's about \$10,000 - \$15,000 additional auditing expenses. She's not sure how much it would take to get the financial statements up to that level. Selectman Massey understood that when the school department went through it four years ago, they spent about \$35,000. Ms. Carpentier said she was unaware of that. Selectman Massey said the auditors who did that, Plodzick said if they had to do it again, whatever the price was, it was going to be considerably more because it was more work than they had estimated. What GASB-34 makes you do is you have to value your capital assets at current market value, at replacement value, and you have to have, effectively, a balance sheet and an income sheet. Being GASB-34 compliant, your statements are going to start looking like you'd expect to see, for example, Bob's Furniture. That's why the high cost. You have to go through all your capital assets... but he won't belabor it any more. It's relevant because when you look at the cost right now, there's a cost coming down the road at some point, that is going to be considerably more.

Chairman Jasper said this points to one thing. When you have very few people who are capable of doing something, before you do this, you should ask to see if there is any interest from the other people who do it, if they would like to bid on your project. If they made four phone calls, they might have found out that nobody was interested in putting in a bid for the town's business. Selectman Massey recalled the vote was either 4-1 or 3-2 to do this. Chairman Jasper didn't remember what the vote was. Initially, he wasn't in favor, but he doesn't remember where he came down in the end. On something like this, they did not heed the warning of their Town Administrator. Had they made some phone calls, they might have found out that nobody wanted to do this. Selectman Massey said he also cautioned against doing this.

Selectman Maddox said he didn't realize the free enterprise system wouldn't work in this particular case. People send out any number of bids to his company all the time. He is having some difficulty understanding that in the 10th largest community in the state of NH, no one else was bidding the work. He is having some internal problems why that is, but he understands the concern that they made the decision that cost more money. Absolutely correct. He is having, on his side, saying why they raised their prices and they are the only bidders. Chairman Jasper said they probably had a good idea they were going to be the only bidders, but who knows? The point that Steve made was that everybody is locked into schedules. There are only a few people that do this business and there probably are nobody that had... people have only as many resources as they need and there probably weren't the resources out there with only five or six... Hudson is the 10th largest in the state and so unless somebody lost one of the top 15, they are not going to have the resources to do Hudson. A lesson that probably will not be learned because they'll probably find themselves in this situation again. It's an unfortunate consequence and he's not going to go to the Budget Committee and ask them for another \$12,000. Selectman Massey said they are going to be short only.... (talking over each other)... about \$7,000.

Motion by Selectman Nadeau, seconded by Selectman Robinson, to award the contract for financial audit services to the sole bidder, Plodzick & Sanderson for fiscal years ending June 30, 2008, 2009 and 2010, as recommended by the Town Administrator and Finance Director, carried 5-0.

J. Vote Tallies on Warrant Articles

Steve Malizia, Town Administrator, said the Chairman asked him to prepare an article for the Board's consideration. Some legislation has been passed that would permit numerical tallies of both the Board of

Selectmen and the Budget committee's votes on articles on the warrant. Attorney Buckley drafted the language for the Board's consideration for this year's warrant.

Motion by Selectman Maddox, seconded by Selectman Massey, to forward the warrant article requiring that all votes by the Board of Selectman and by the Budget Committee concerning any warrant article shall be recorded votes and the numerical tally of any such vote shall be printed in the Town Warrant next to the affected warrant article, carried 5-0.

K. Revised Warrant Article—Design/Reconstruction/Repair of Pelham Road Dam

Steve Malizia, Town Administrator, said the Budget Committee took a straw poll and several members of the committee expressed a concern that this article for this project, which could be lengthy, sometimes these projects get away from you, they thought it might be prudent for the Board to consider adding the non-lapsing language, which gives the appropriation a longer time frame. In this case, it would be until completed or until June 2014, whichever comes first. That gives them the benefit of not having to encumber something every year. If this passes, they'd have some room to carry this project forward, if necessary. The Budget Committee recognized the complexity of this project. He thought this was an excellent suggestion that he wanted to bring to the Board for consideration.

Motion by Selectman Massey, seconded by Selectman Maddox, to amend the warrant article for the Design/Reconstruction/Repair of Pelham Road Dam over Second Brook by adding the following language to the article: "This is a non-lapsing appropriation, per RSA 32:7 (VI) and will not lapse until the purpose of this article is completed, or June 30, 2014, whichever is soonest."

Chairman Jasper said he was speaking against this, which was the concern, primarily, of the Chairman of the Budget Committee, telling people that this is something they have to do, a high priority, but maybe they won't get it done for five or six year. This is something that *has* to get done next year and if it isn't, the funds need to be committed. They have the ability to encumber the funds. They need to get this contract awarded and done within that next fiscal year. The construction may not all get done, but as long as it's awarded. Saying they have until 2014 is saying this isn't a high priority and if it isn't a high priority, for \$350,000, he's going to vote no; he'll vote yes in a couple of years. That's why he's going to vote against the motion.

Selectman Maddox asked if the Chairman would support it if it was 2011. Chairman Jasper said the proposed language was statutory. As long as it's encumbered, they can carry it forward. Mr. Malizia said if they have a valid contract obligation or some other evidence that they are working on the project, that they have something on the project, that they have either awarded something, yes, they can. Selectman Maddox asked if that included engineering, because this is going to be tied to a dam requirement. Mr. Malizia said "design" would encompass engineering. Chairman Jasper said if they've awarded the bid for engineering, they could encumber the whole thing, but if they don't get anything done within the next fiscal year, then it's not that high a priority, obviously. This is 12 cents on the tax rate. It's either something they need to get done, or it isn't.

Selectman Massey withdrew his motion; Selectman Maddox withdrew his second. Selectman Massey said the Chairman was correct. This is a critical need; they can't afford to have another storm like they had on Mother's Day last year. They need to make sure the citizens understand that this is a critical need for the town to get done. Selectman Maddox said he felt much the same way, but his only concern is they say they can encumber it, but if they hire XYZ Engineering, and there's not an award for the construction until two years from now because of whatever, the Chairman was saying fine, they can encumber monies. Chairman Jasper said if the design got done in calendar year 2008, 2009 and sat around and didn't go out to bid, based on construction, they would have a hard time. If it takes a year or year and a half to do a design, they are under obligation, they can encumber that. That's not a problem. Mr. Malizia agreed, saying he was trying to protect them more from the back end. He was not trying to suggest they wouldn't do the project for three years. He was just saying in the off chance; he was just trying to cover them, that if something went bump in the night, and they had a delay between phases, they would be covered. Because of the auditors they have, if they are shown this is being worked on, they will let the town encumber the funds. They've done that before.

Selectman Massey didn't want this project to end up like the County and Melendy Road bridges because of all the things that occurred there. He agreed with the Chairman. This is a critical project that needs to be done. To give anyone the impression it could be delayed would just do it.

Selectman Maddox said he learned something. He was always under the impression that there had to be a purchase order tied to that. Mr. Malizia said you can have other forms of contracts, not necessarily a PO. That's the preferred method, but they've had a commitment on the Water Utility books for payments to developers. They don't have PO's, necessarily, but there's some sort of a commitment. (Talking over each other.)

Chairman Jasper said, without further action, they'd move on.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau said thumbs up to the American Legion for a great Pearl Harbor breakfast. It was well attended and pretty neat talk to a lot of old-timers from the town. He also thanked Brenda from the Chamber and all the members of the Chamber for a great job on the Chamber supper at Kings Court the other night. It was a great time and all the money went to St. Vincent DePaul's Society to help town residents during the Christmas season.

Selectman Massey said he echoed Selectman Nadeau's comments. The Pearl Harbor memorial ceremony was very well done. They have one member of that organization that was a Pearl Harbor survivor, who are few and far between, so anything they can do to honor their memory is important.

Selectman Maddox said he was cleaning out his attic and found an interesting book—the 1993 Town Report, the first year they came off the Council and back on to Selectmen. It was interesting reading. A lot of the names are the same, with a few title changes. That was the year that the town voted to have a Recreation Commission. He knows the Chairman has been opposed to this, but thinks it is time to have an Older Persons' Commission, a Senior Commission, whatever it may be. It's time to have such a body that would take the issues of that group, much like Recreation, and represent that for the town. They are going to be stuck in an interesting position with the petitioned warrant article that was presented for the Senior Center with a private organization. All of those questions they all keep kicking around, maybe over the next year they should consider talking at various workshops about where they are going to go with that proposal.

They have one more meeting in 2007, but as they enter 2008, and it gets so confusing—they are in FY08 while they are in—but all of that, over the next 12 months, one of the things they've talked about privately, he thinks they need to start looking at is the review process for department heads and how they are going to work that into their workshops. One of the things they are missing the boat on as Selectmen is giving guidance to those reviews to show department heads where they'd like them to go. Right now, the Town Administrator writes up the reviews, has them with the employees, with no input. Whether they decided to do it through the Chair or this Board, it's something they need to start going to, to send a message where they would like to see that department head take his department, correct certain items, whatever it may be that they need to start doing. Maybe 2008 is the year they start doing that.

Selectman Robinson said he had nothing for this evening.

Selectman Jasper apologized for losing his cool a little bit, having to have a recess, but that was better than the alternative. He did not apologize for his words or his thoughts, but the manner in which he delivered them.

The Board's next meeting, and final meeting for 2007, is next week, December 18. No meeting on 12/25!! Merry Christmas and a happy New Year.

10. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Robinson, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled, carried 5-0.

Chairman Jasper said nonpublic session was being entered into at 10:12 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session would be listed on the Board's next agenda.

11. ADJOURNMENT

Motion to adjourn at 10:20 p.m. by Selectman Maddox, seconded by Selectman Robinson, carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Shawn N. Jasper, Chairman

Benjamin J. Nadeau, Vice-Chairman

Kenneth J. Massey, Selectman

Richard J. Maddox, Selectman

Douglas K. Robinson, Selectman